

PETER FLEMING.

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FEBRUARY 9, 1910.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. BRADLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 2445.]

The Committee on Military Affairs, to whom was referred the bill (S. 2445) for the relief of Peter Fleming, having considered the same, report thereon with a recommendation that it be amended by striking out all after the enacting clause and inserting the following:

That in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, Peter Fleming, now a resident of Colorado, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery E, Third Regiment United States Artillery, on the eighth day of May, eighteen hundred and sixty-four: *Provided*, That no pension shall accrue prior to the passage of this act.

And as thus amended that the bill do pass.

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[House Report No. 368, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1609) to remove the charge of desertion from the military record of Peter Fleming, have considered the same, and beg leave to report as follows:

Private Peter Fleming enlisted in Battery E, Third United States Artillery, on the 19th day of September, 1861, and served until the 9th day of February, 1864, when he was discharged by reason of reenlistment in the same battery. There is no stain on his record as a soldier for more than two years and four months. Upon reenlistment he was given a veteran furlough; but as the battle of Olustee, Florida, was then impending, he postponed the use of his furlough until after the battle. Prior to that battle he had been in the battles of Port Royal, Beaufort Island, James Island, Pocatigo, S. C., and Morris Island.

At the battle of Olustee he assisted in serving one of the guns, and, according to his own statement, the heavy firing affected his hearing, rendering him almost totally deaf to this day. Blood came from his nostrils and ears, and afterwards sores formed, and his mind was affected, leaving him for a long time in a dazed condition. He is unable to prove that he could not have returned to his regiment at any time after receiving his furlough to the expiration of his term of service, for the reason

that he had no family at the time and no intimate friends whose whereabouts he is able to find; but that he was never able to return, and was in consequence marked on the rolls as a deserter.

In the month of February, 1880, when near Helena, Mont., he was caught in a blizzard and so severely frozen that it became necessary to amputate both legs below the knee and all of his fingers and the thumbs of both hands.

In view of the faithful services of Fleming as a soldier for nearly three years, his active participation in a number of hard-fought battles, in the last one of which he may have received permanent injuries, and his mutilated and disabled condition, your committee recommend that the bill do pass, with the following amendment:

Strike out all after the enacting clause and insert the following:

"That Peter Fleming, late a private in Battery E, Third United States Artillery, by reason of faithful services as a soldier for a period of nearly three years, and his present mutilated and disabled condition, be, and he hereby is, declared to be entitled to admission to the Soldiers' Home for Disabled Volunteer Soldiers and to any branch thereof, notwithstanding the charge of desertion against him, and he shall be so admitted at his request."

Amend the title so as to read: "A bill for the relief of Peter Fleming, Battery E, Third United States Artillery."

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